



# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, PE, Chair

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Arnold  
Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental Protection

21 November 2008

**APPROVED**

Staff

Senior

Mr. Jim Snodgrass, President  
Riviera West Mutual Water Company  
8475 Harbor View Drive  
Kelseyville, CA 95451

CERTIFIED MAIL  
7007 2560 0001 7472 1438

## **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0625 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, RIVIERA WEST MUTUAL WATER COMPANY DOMESTIC WATER TREATMENT PLANT, LAKE COUNTY**

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) section 13385, for violations of Waste Discharge Requirements Order 96-099 and R5-2002-0130 (NPDES No. CA0083925) by the Riviera West Mutual Water Company Domestic Water Treatment Plant (Discharger). The Complaint charges the Discharger with civil liability in the amount of **three million nine hundred forty-five thousand dollars (\$3,945,000)**, for Mandatory Minimum Penalties (MMPs) for effluent limitation violations and for failing to submit monitoring reports, which occurred from 1 January 2004 through 1 July 2007 (the technical expiration date of Order R5-2002-0130).

Pursuant to CWC section 13323, the Discharger may:

- Pay the assessed civil liability and waive its right to a hearing before the Central Valley Water Board by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **21 December 2008**, along with payment for the full amount;
- Agree to enter into settlement discussions with the Central Valley Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and submitting both the waiver and a letter describing the issues to be discussed to this office by **21 December 2008**; *or*
- Contest the Complaint and/or enter into settlement discussions with the Central Valley Water Board without signing the enclosed waiver.

If the Central Valley Water Board does not receive a signed waiver within 30 days of the date of this Complaint (**by 21 December 2008**), then a hearing will be scheduled for the **5/6 February 2009** Central Valley Water Board meeting in Rancho Cordova. Specific notice about this hearing and its procedures will be provided under separate cover.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Barry Hilton, **no later than 5 p.m. on 21 December 2008**. This includes material submitted by the discharger to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed

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settlement. If the Central Valley Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. If the Central Valley Water Board receives a signed waiver, the Board may elect to extend the deadline for the submission of written materials at the request of the Discharger. If the deadline for submitting written materials is not extended, then written materials received after **5 p.m. on 21 December 2008** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party. However, if the deadline is extended, the new deadline will be announced to all parties who received this complaint.

As discussed during our meeting of 19 November 2008, the Central Valley Water Board is sensitive to the burden that this assessed penalty will place on your community, and is willing to work with you to find creative solutions that will alleviate water quality concerns at the site without overwhelming your community's finances. Although it is your right to have a hearing on the matter within 90 days of service of this Complaint, the Board strongly urges you to return the enclosed waiver after checking off #5, so that we can have the requisite time to work with you towards a resolution of the violations herein charged.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Regional Water Board's Internet website at [http://www.waterboards.ca.gov/centralvalley/tentative\\_orders/](http://www.waterboards.ca.gov/centralvalley/tentative_orders/). Copies of these documents can also be obtained by contacting or visiting the Regional Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Barry Hilton at (916) 464-4762 or Patricia Leary at (916) 464-4623.

WENDY WYELS  
Environmental Program Manager  
Compliance and Enforcement Section

Enclosure: ACLC R5-2008-0625

cc w/o encl: Ms. Pamela Creedon, Executive Officer  
Mr. Kenneth Greenberg, USEPA, Region 9, San Francisco  
Mr. Reed Sato, Office of Enforcement, SWRCB, Sacramento  
Mr. Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Lori Okun, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova  
Lake County Environmental Health, Lakeport  
Mr. Bill Jennings, California Sport Fishing Protection Alliance, Stockton  
Jan and Dave Worswick, Riviera West Mutual Water Company  
Mr. Dennis Smith, Western Engineering and Surveying Services, Carson City